

EXHIBIT G

BROWN REPLY DECLARATION ISO APPLE'S MOTION FOR SUMMARY JUDGMENT

Deposition of Brian Croll

In Re: HIGH-TECH EMPLOYEE ANTITRUST LITIGATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE)
ANTITRUST LITIGATION)
) No. 11-CV-2509-LHK
THIS DOCUMENT RELATES TO:)
ALL ACTIONS.)
_____)

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VIDEO DEPOSITION OF BRIAN CROLL

March 22, 2013

Reported by: Jennifer L. Furia, RPR, CSR No. 8394

Deposition of Brian Croll

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10:13:20 1 these types of relationships just work.

10:13:31 2 Q. And that's based on your general understanding
10:13:41 3 through the course of your career?

10:13:43 4 A. Yeah. I mean, I think this is the way --yeah, I
10:13:48 5 would say that when I've been involved in these kinds of
10:13:51 6 situations, when we're bringing the number one engineering
10:13:54 7 team, that, you know, our guys that are like laying the
10:13:57 8 golden eggs, if you will, and we're going to be putting
10:14:01 9 them in front of another company, we have to be
10:14:04 10 comfortable knowing that they aren't going to be
10:14:08 11 immediately recruited by that company. Because otherwise,
10:14:10 12 what you end up doing is you develop an intermediary layer
10:14:15 13 of support engineers and people who aren't as familiar
10:14:18 14 with the innerworkings of the technology. In that case,
10:14:22 15 the capacity to actually do anything innovative is
10:14:27 16 severely, severely hampered because the two principals are
10:14:33 17 never engaging.

10:14:34 18 So I think the basic practice of feeling
10:14:37 19 comfortable, that you can take your best players and have
10:14:39 20 them talk, is important for both sides of, you know, of
10:14:44 21 those kinds of relationships.

10:14:47 22 You know, and one thing you don't want to do is
10:14:50 23 recruit someone and that screws up the relationship and
10:14:53 24 especially where they're really important to the success
10:14:57 25 of the company. I think it's really important.

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10:15:18 1 Q. With respect to Apple and Google, I believe you
10:15:20 2 testified that you weren't aware of any express agreement
10:15:27 3 that Apple wouldn't recruit Google people and that Google
10:15:30 4 wouldn't recruit Apple people, correct?

10:15:33 5 A. I'm not aware of any -- any agreement.

10:15:51 6 Q. Was it your understanding that Apple was able to
10:15:59 7 feel comfortable, I believe is how you put it, in
10:16:04 8 assigning its best engineers to collaborate with Google?

10:16:09 9 A. I think we were comfortable, yes.

10:16:13 10 Q. Why is that?

10:16:15 11 A. Because as I said before, is when you enter into
10:16:18 12 these kinds of arrangements, I think the way the industry
10:16:21 13 works is it would really harm the relationship if you
10:16:25 14 started hiring people from the other side of the table.
10:16:29 15 You know, it's -- it would just be really poisonous to
10:16:34 16 that kind of an arrangement.

10:16:35 17 I mean, it's common sense, if you think about
10:16:37 18 it. You know, if someone goes and hires your best
10:16:44 19 employee because you voluntarily brought them to this
10:16:48 20 meeting, you're not going to bring those employees
10:16:52 21 anymore.

10:16:58 22 Q. So is the ability to feel comfortable based on
10:17:01 23 trust?

10:17:04 24 A. There's a degree of trust, yeah.

10:17:23 25 Q. Were you ever in contact with any Google

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10:17:26 1 engineers who were working on collaborative projects

10:17:29 2 between Apple and Google?

10:17:31 3 A. Yes, I was.

10:17:33 4 Q. Were any of those people that you thought might
10:17:37 5 be suitable for employment by Apple?

10:17:40 6 A. I wouldn't have -- think in that domain because
10:17:42 7 I'm not an engineering manager. The thought wouldn't have
10:17:47 8 crossed my mind.

10:17:55 9 MR. DALLAL: We need to change the tape.

10:17:57 10 THE WITNESS: Okay.

10:17:58 11 MR. DALLAL: So let's go off the record.

10:18:00 12 THE WITNESS: Can I take a quick break, then?

10:18:02 13 MR. DALLAL: Yes.

10:18:03 14 THE VIDEOGRAPHER: This marks the end of media
10:18:04 15 number 1 in the deposition of Brian Croll. We are off the
10:18:08 16 record at 10:18 a.m.

10:23:30 17 (Recess taken from 10:18 to 10:23.)

10:23:32 18 THE VIDEOGRAPHER: We are back on the record at
10:23:34 19 10:23 a.m., and this is the beginning of media number 2 in
10:23:40 20 the deposition of Brian Croll.

10:23:42 21 Please continue.

10:23:43 22 BY MR. DALLAL:

10:23:43 23 Q. Welcome back, Mr. Croll.

10:23:46 24 We were talking about your understanding that
10:23:49 25 it's undesirable that collaborators would recruit key

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10:45:32 1 Q. Would you talk to him every day?

10:45:34 2 A. Probably not every day.

10:45:39 3 Q. Do you know who Patrice Gautier is?

10:45:44 4 A. Yes, I do.

10:45:44 5 Q. Am I pronouncing that more or less --

10:45:47 6 A. Close enough.

10:45:49 7 Q. Okay. So what was his role at Apple?

10:45:53 8 A. I'm not a hundred percent clear, but Patrice has

10:45:56 9 been associated with the iTunes Store for a very long

10:46:00 10 time. So again, I don't know exactly what he was doing at

10:46:06 11 that point.

10:46:06 12 Q. Is he someone with whom you've worked regularly

10:46:09 13 during your time at Apple?

10:46:10 14 A. On and off.

10:46:13 15 Q. Is he still at Apple?

10:46:16 16 A. Yes, he is.

10:46:20 17 Q. So if you look at the top, there's a message

10:46:25 18 from you to Patrice Gautier; do you see that?

10:46:30 19 A. Yes.

10:46:33 20 Q. So I'm just curious; it looks like you're

10:46:39 21 forwarding a message. Do you see that?

10:46:41 22 A. Yes.

10:46:42 23 Q. But it looks like the forwarded message was from

10:46:46 24 Jeff Shardell to Patrice Gautier with some other people

10:46:52 25 cc'd, but I don't see your email address listed there. Do

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10:46:56 1 you see that?

10:46:57 2 A. Correct.

10:46:58 3 Q. So I suppose I'm just wondering if you have any
10:47:02 4 insight as to how the message you're forwarding came to
10:47:09 5 you?

10:47:10 6 A. Yeah, I don't know.

10:47:17 7 Q. Do you recall working with Jeff Shardell on
10:47:19 8 anything to do with iTunes?

10:47:29 9 A. No, I don't recall that.

10:47:31 10 Q. Did you work with him on the inclusion of the
10:47:40 11 Google Search Box in Safari?

10:47:48 12 A. Yes, I did.

10:47:56 13 Q. So who did the work to put the Google Search Box
10:48:04 14 in Safari?

10:48:08 15 A. A lot of different people. I -- for instance, I
10:48:09 16 did the original agreement with Jeff Shardell and my legal
10:48:14 17 team. The engineering team then worked out how the
10:48:20 18 protocols would work between the search field and the
10:48:23 19 Google service. Marketing team went through trying to
10:48:28 20 figure out, you know, what -- how we could go ahead and
10:48:33 21 put the Google search field -- it's actually the Safari
10:48:39 22 search field with Google Search -- in our advertising and
10:48:43 23 in our website and how we could market it, so it touched a
10:48:46 24 lot of different people within the organization.

10:48:51 25 Q. And, I'm sorry, did you say Safari search field

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10:48:53 1 with Google Search?

10:48:55 2 A. Yeah, and it's because what we're talking about
10:48:58 3 is in the Safari product, there's a search field. Safari
10:49:02 4 was the first browser to put a search field in its UI.
10:49:09 5 Previous to that, you would have to navigate to a
10:49:11 6 particular search engine and then to your search, but now
10:49:15 7 it was always there no matter, you know, where you were on
10:49:18 8 the Internet, you could get to Search. So it elevated the
10:49:21 9 importance of Search, and it was the first browser to do
10:49:24 10 that.

10:49:25 11 And so, you know, that's why I was saying it was
10:49:29 12 the Safari search bar that went to the Google Search
10:49:35 13 service.

10:49:39 14 Q. And I'm actually going to have a number of other
10:49:42 15 questions about that, but it looks like we're coming up on
10:49:44 16 ten till, so let's --

10:49:45 17 MR. RILEY: Before we break, we did investigate
10:49:49 18 Exhibit 2245, which starts at Apple Bates stamp
10:49:53 19 231APPLE128120, and it is marked Privileged and
10:49:58 20 Confidential. It was inadvertently produced, and so we
10:50:00 21 would claw that back.

10:50:03 22 MR. DALLAL: Okay.

10:50:07 23 THE VIDEOGRAPHER: Okay. We are off the record
10:50:08 24 at 10:50 a.m.

13:09:29 25 (Lunch recess taken from 10:50 to 1:10.)

1 I, Jennifer L. Furia, Certified Shorthand
2 Reporter licensed in the State of California, license
3 No. 8394, hereby certify that the deponent was by me first
4 duly sworn, and the foregoing testimony was reported by me
5 and was thereafter transcribed with computer-aided
6 transcription; that the foregoing is a full, complete and
7 true record of said proceeding.

8 I further certify that I am not of counsel or
9 attorney for either or any of the parties in the foregoing
10 proceeding and caption named or in any way interested in
11 the outcome of the cause in said caption.

12 The dismantling, unsealing, or unbinding of the
13 original transcript will render the reporter's
14 certificates null and void.

15 In witness whereof, I have hereunto set my hand
16 this day: April 2, 2013

17 _____ Reading and signing was requested.

18 _____ Reading and signing was waived.

19 X
20 _____ Reading and signing was not requested.

21

22

23

24 _____ JENNIFER L. FURIA, RPR, CSR NO. 8394

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